REMARKS:

The Office action mailed September 22, 2005 has been received and carefully considered. Reconsideration of the claims as amended hereby is respectfully requested.

Claims 7 and 12 were objected to because of language informalities. These claims have been amended to overcome the noted problems either by changing the original claims and/or by incorporating the changes in Claims 16 and 17 which are new independent claims incorporating original Claim 7 and 12 respectfully. Claim 7 has been further modified as the wording in original paragraph (c) was found to be problematic, as it included a typographical wording error.

Claims 10, 12 and 13 were found to distinguish over the prior art. Claim 10 has been rewritten as independent Claim 16 and Claim 12 has been rewritten as independent Claim 17. Claim 13 has been amended to depend from Claim 17. Consequently, Claims 13, 16 and 17 are now urged to be allowable.

Claims 7 to 9, 11, 14 and 15 were rejected as anticipated by Lamb or as being obvious over Lamb in view of Josse, et al. or by Lamb itself. Independent Claims 7 and 11 have been amended to better define applicant's invention and are urged to distinguish over the art of record.

In particular, Lamb teaches a process wherein influent wastewater is first placed in an aerobic region. Biomass being returned from a clarifier or separator is partially subjected to a series of sidestream processes wherein the biomass is treated anaerobically and then returned to the aerobic stage. While this process has a goal of removing some phosphorous from the water, the process is quite different in comparison to applicant's process.

In applicant's process, the incoming or influent wastewater is first put into an anaerobic region without prior aerobic treatment which is the opposite in comparison to the Lamb process wherein in every embodiment all or at least a mainstream of influent flows first into an aerobic region. Because of applicant's sequence, the microorganism food or organics that are in the influent wastewater are available to be converted into short chain organic acids; whereas, in Lamb all or most of the wastewater has been passed through the entire main process before a small portion is returned to the anaerobic regions with the separated biomass and virtually all of the available and readily usable food that was initially in the wastewater has been used already by the microorganisms by the time the return flow gets to the anaerobic stages. Consequently, applicant's process has significant differences and advantages over Lamb including that

applicant's process can produce sufficient short chain organics to ensure that there will be enough of the short chain organics in the first anaerobic region to effectively replenish the microorganisms and prepare them for phosphorous uptake in later aerobic regions. Applicant's process, as claimed, is not shown or taught by Lamb or the other art of record.

Consequently, it is urged that Claims 7 and 11, along with Claims 8, 9, 14 and 15 which depend from these claims, are allowable over the cited art.

In summary, it is urged that Claims 7 to 9, 11 and 14 to 17 are now allowable and notice to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned by telephone, if prosecution of this application can be expedited thereby.

Respectfully Submitted,

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James L. Barnard
(Applicant)

By 

November 30, 2005
(Date of Signature)